

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 75B  
REIMBURSEMENTS FOR PHYSICAL EXAMINATIONS  
OF FIREFIGHTERS

Sec.

75B01. Purpose.

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§ 75B01. Purpose. The General Assembly has determined that fire companies are in need of financial support. The General Assembly intends that the reimbursement payments provided under this chapter be used to cover the costs incurred for required physical examinations of firefighters.

§ 75B02. Definitions. The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Airport fire company." A fire company that does all of the following:

(1) Is associated with an airport.

(2) Has a mutual aid agreement with a neighboring municipality.

(3) Has responded to at least 15 fire or rescue emergency calls annually to neighboring fire companies as provided in documentation requested by the commissioner.

"Commissioner." The State Fire Commissioner.

"Eligible fire company." A fire company that is eligible under section 75B06 (relating to fire company eligibility) to receive reimbursement from the fund.

"Fire company." A volunteer fire company, a municipal fire company or a combined volunteer and municipal fire company located in this Commonwealth. The term includes an airport fire company.

"Firefighter." A career firefighter or volunteer firefighter who actively responded to at least 15 fire or rescue emergencies as determined by the firefighter's fire company during the previous calendar year.

"Fund." The Firefighter Physical Examination Reimbursement Fund established under section 75B04 (relating to Firefighter Physical Examination Reimbursement Fund).

"Licensed practitioner." A medical doctor, certified nurse practitioner or physician assistant licensed to practice in this Commonwealth.

"Municipality." A county, city, borough, incorporated town, township or home rule municipality.

"NFPA 1582." The National Fire Protection Association Standard 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments, 2018 edition.

"Office." The Office of the State Fire Commissioner.

"Physical examination." As follows:

(1) As defined in NFPA 1582.

(2) The term applies to initial physical examination requirements and annual physical examination requirements as determined by the fire company or as prescribed by a governing collective bargaining agreement.

"Volunteer fire company." A nonprofit chartered corporation, association or organization located in this Commonwealth that provides fire protection or rescue services and that may offer other voluntary emergency services, which may include voluntary ambulance and voluntary rescue services, within this Commonwealth.

#### § 75B03. Physical examinations.

(a) Initial and annual physical examinations.—

(1) Subject to any governing provision in a collective bargaining agreement, a fire company may require each firefighter of the fire company to obtain an initial physical examination or an annual physical examination as a condition of employment as a firefighter or as a condition of service as a volunteer firefighter.

(2) Each initial physical examination and each annual physical examination must:

(i) Comply with the standards specified in NFPA 1582.

(ii) Be administered by a licensed practitioner.

(b) Confidentiality.--The health records of a firefighter, which are associated with a physical examination under this chapter, shall remain private and shall not be shared with the fire company of the firefighter or any other person except with the written consent of the firefighter or as required under a governing collective bargaining agreement.

(c) Levels of participation.—

(1) The licensed practitioner who administers a physical examination of a firefighter shall issue a report to the fire company of the firefighter that specifies the level of participation for which the firefighter is medically qualified at the time of the physical examination.

(2) Unless otherwise specified in a governing collective bargaining agreement, or unless otherwise specified in a fire company policy in the absence of a governing collective bargaining agreement, the levels of participation shall be as follows:

(i) Fit for duty, in which case the firefighter is qualified to participate in all firefighter duties, including interior firefighting and the wearing of a self-contained breathing apparatus.

(ii) Limited duty, in which case the firefighter is qualified to participate in firefighter duties that do not entail the wearing of a self-contained breathing apparatus. Limited duty status may:

(A) Be specified for a time certain.

(B) Require retest or follow up with the individual's primary care physician.

(C) Include any additional measure consistent with fire company policy unless superseded by any related provisions in a governing collective bargaining agreement.

#### § 75B04. Firefighter Physical Examination Reimbursement Fund.

(a) Establishment.--The Firefighter Physical Examination Reimbursement Fund is established as a special fund within the State Treasury. The fund shall consist of money appropriated or transferred to the fund by act of the General Assembly, in addition to any grants, gifts, donations or other payments from other sources.

(b) Use.--Money in the fund shall be used for the purposes of:

(1) reimbursing eligible fire companies for costs incurred for the required physical examinations of firefighters; and

(2) administering the provisions of this chapter.

#### § 75B05. Applications.

(a) Notice.—

(1) By September 8 of each year, the commissioner shall provide application forms and written instructions for reimbursements from the fund to:

(i) The fire chief and president of each volunteer fire company.

(ii) The chief executive of each municipality in which a municipal fire company is located.

(iii) The head of each combined volunteer and municipal fire company and each airport fire company.

(2) The application forms and written instructions for reimbursements from the fund shall also be posted on the publicly accessible Internet website of the office.

(b) Contents.--An application for reimbursement from the fund must contain the following:

(1) The name, address, telephone number and other contact information of the fire company requesting reimbursement.

(2) The name of all firefighters who received a physical examination, along with the date of the physical examination, for which reimbursement is sought.

(3) Documentation reflecting the out-of-pocket costs borne by the fire companies or the firefighter for the physical examinations to be reimbursed, as well as any certification requirements otherwise prescribed.

(4) Any other information required by the office to assist in processing reimbursement from the fund.

(c) Completion.--

(1) The period to submit applications for reimbursement from the fund shall remain open for 45 days each year.

(2) Completed applications for reimbursement from the fund must be submitted to the office within the designated time frames and in the form and manner prescribed by the office.

(d) Determination.--Within 60 days of the application submission deadline each year, the commissioner shall act to approve or disapprove submitted applications for reimbursement from the fund. Applications that have not been approved or disapproved within 60 days after the close of the application period each year shall be deemed approved.

#### § 75B06. Fire company eligibility.

(a) Mandate.--Reimbursement from the fund may only be made to an eligible fire company.

(b) Criteria.--To be considered an eligible fire company, a fire company must:

(1) Actively participate in the Pennsylvania Fire Information Reporting System (PennFIRS) under a signed agreement. The following apply:

(i) The commissioner shall develop guidelines specifying the criteria necessary to determine the level of participation in PennFIRS for fire companies to remain eligible for reimbursement from the fund.

(ii) The commissioner shall transmit notice of the guidelines under subparagraph (i) to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(2) Certify that all firefighters to which reimbursement from the fund is sought have completed, at a minimum, two hours of training in the previous 12 months as to the

detection, management and treatment of mental health conditions specifically related to the fire service. Training must include providing related support resources and must be approved by the commissioner.

(3) Certify that each firefighter who obtained an annual physical examination and for whom reimbursement is sought from the fund has received the minimum level of Firefighter 1 under the Pennsylvania State Fire Academy standards on or before July 1 of the year in which the reimbursement application is made.

#### § 75B07. Reimbursements.

(a) Retention of reimbursement.--If a fire company receives reimbursement for costs that were paid directly by the fire company on behalf of a firefighter, the fire company may retain the reimbursement.

(b) Distribution of reimbursement.--If a fire company receives reimbursement for costs that were paid directly by the firefighter, the fire company shall distribute the reimbursement to the firefighter as soon as practicable.

(c) Amount.--The amount of a reimbursement under subsection (a) shall be commensurate with the actual expenses incurred for the physical examination and shall not exceed \$650 per firefighter.

(d) Pro rata reimbursements.--Reimbursements shall be made on a pro rata basis if the total dollar amount of the approved applications exceeds the amount of money available in the fund to provide the reimbursements.

#### § 75B08. Annual reports.

(a) Requirement.--No later than September 1 of each year, the office shall issue an annual report, which shall include all of the following information:

(1) The money in the fund at the beginning of the previous fiscal year and the balance in the fund at the end of the previous fiscal year.

(2) The number of reimbursement applications received by the office during the previous fiscal year.

(3) The number of reimbursements made during the previous fiscal year.

(4) The fire companies to which reimbursements were made during the previous fiscal year.

(5) The total dollar amount of reimbursements made during the previous fiscal year.

(b) Confidentiality.--The confidentiality standards specified in section 75B03 (relating to physical examinations) shall govern information contained in any report under this section.

(c) Submittal.--Each report under this section shall be posted on the publicly accessible Internet website of the office and submitted to the following:

(1) The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(2) The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

§ 75B09. Distribution of information. The office shall annually distribute information on the fund to all fire companies in this Commonwealth, including reimbursement procedures and eligibility criteria.

§ 75B10. Appropriations. Money necessary to administer this chapter shall be provided by an annual appropriation by the General Assembly.

Section 2. This act shall take effect in 90 days.